

I. REMARKS

A. General

The Examiner has not commented on the merit of the arguments presented in the Applicant's request for reconsideration, which was filed on March 15, 2005. However, in light of the fact that the Examiner has made the current Official Action non-final, and has presented new grounds of rejection, the Applicant concludes that the Examiner was in agreement with the arguments that were presented therein.

B. Summary of the Amendments

The present application still contains 77 claims.

No amendments have been made.

C. Summary of the Rejections and Reply

In the Office Action, the Examiner has rejected all of claims 1, 6-52 and 64-92 under 35 U.S.C. 102(b) as being anticipated by the websites www.gatx.com and www.csx.com, as well as the November 2000 article in "Railway Age" entitled "Moving Goods, not paperwork".

For the reasons presented below, the Applicant respectfully disagrees with the Examiner's rejections, and submits that all of claims 1, 6-52 and 64-92 are novel, non-obvious and in condition for allowance over the references cited.

I. Independent claims 1, 32, 64, 67, and 70

Firstly, with respect to the www.gatx.com and the www.csx.com references, the Applicant is not in possession of either of these references dating back to the year 2000, and the Examiner has not provide a paper copy of these references to the Applicant.

In addition, the Applicant respectfully submits that these electronic references were not identified using the format followed by the U.S. Patent and Trademark office, as outlined in section 707.05(e) IV of the MPEP. The format followed is the format recommended by the World Intellectual Property Organization Standard ST.14. According to this standard, the format of the citation should include (1) the type of electronic medium provided in square brackets: i.e. [on-line], (2) the date when the document was retrieved from the electronic media in square brackets i.e. [retrieved on yyyy-dd-mm] and (3) the source of the document using the words "retrieved from" and its address where applicable.

Section 707.05(e) IV of the MPEP further indicates that "office copies of an electronic document must be retained if the same document may not be available for retrieval in the future. This is especially important for sources such as the Internet and online databases".

Instead of citing the electronic references in the manner described above, the electronic references have simply been cited by indicating on the "Notice of References Cited" page "the website www.csx.com dating from March 2000", and "the website www.gatx.com dating from February 2000". The Applicant respectfully submits that the Examiner has not identified the date when these electronic references were retrieved, nor has the Examiner provided a paper copy of these references to the Applicant.

i) CSX.com

With respect to the www.csx.com website, the Applicant respectfully submits that an Information Disclosure Submission was submitted to the USPTO at the time of filing the present application (i.e. February 1 2002), in which the website address www.csxt.com/index.cfm was identified. The Applicant respectfully submits that the www.csxt.com/index.cfm address is the same as the www.csx.com address, since they both bring one to the same web page.

As such, on the basis of the document submitted on February 1 2002, the Applicant respectfully submits that the www.csx.com did not disclose, teach or suggest the following emphasized limitations of independent claims 1, 32, 64, 67 and 70, prior to the filing date of the present application.

Claim 1

- b) a second program component for receiving information about a basic pool of railcars, **said second program component implementing a filter for filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars**, said second program component causing the computer to deliver second information to the user, **the second information prompting the user to select at the computer one or more railcars among the filtered pool of railcars** for the shipment of goods;

Claim 31

- b) receiving information about a basic pool of railcars and **filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars**;
- c) causing the computer to deliver second information to the user, **the second information prompting the user to select at the computer one or more railcars among the filtered pool of railcars** for the shipment of goods;

Claim 64

- b) a second program component for receiving information about a basic pool of railcars, said second program component implementing a filter for **filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars**, said second program component causing the client system to deliver second information to the user, **the second information prompting the user to select at the client system one or more railcars among the filtered pool of railcars** for the shipment of goods;

Claim 67

- d) a second program component for execution on said server system for receiving information about a basic pool of railcars, said second program component implementing a filter for **filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars**, said second program component sending messages to said client system causing said client system to deliver information to the user **prompting the user to select at said client system one or more railcars among the**

filtered pool of railcars for the shipment of goods;

Claim 70

- b) a second program component for receiving information about a basic pool of railcars, said second program component implementing a filter for **filtering the basic pool of railcars, at least in part on the basis of the information about the rail transportation service entered by the user, to produce a filtered pool of railcars**, said second program component causing the computer to deliver second information to the user, **the second information prompting the user to select at the computer one or more railcars among the filtered pool of railcars** for the shipment of goods;

Furthermore, even though the content of the www.csx.com reference as it currently stands is not citable against the claims of the present application, the Applicant respectfully submits that upon review of this website at the present time (i.e. June 2005), this website still does not disclose, teach or suggest the above emphasized limitations of independent claims 1, 32, 64, 67 and 70.

Instead, in order to provide a user with a price for a shipment of goods, the ShipCSX system, which is included in the www.csx.com website, simply enables a user to enter an origin, a destination, an origin carrier and a destination carrier and a commodity type. Nowhere does the www.csx.com website indicate an ability to filter a basic pool of railcars on the basis of filtering criteria, and then prompt a user to select one or more railcars from among the filtered pool of railcars. Since the www.csx.com reference does not disclose all of the limitations of the independent claims, the Applicant respectfully submits that this reference is not sufficient to establish a rejection based on anticipation.

Accordingly, independent claims 1, 32, 64, 67 and 70 are believed to be novel, non-obvious and in condition for allowance over the www.csx.com reference. As such, the Examiner is respectfully requested to withdraw his rejection on the basis of this reference.

If the Applicant's argument is unconvincing, and the Examiner continues to hold that the www.csx.com website anticipates the invention described in

independent claims 1, 32, 64, 67 and 70, the Examiner is respectfully invited to indicate where in the www.csx.com document each of above limitations is taught. In addition, the Applicant respectfully requests that the Examiner provide the Applicant with a paper copy of this reference retrieved prior to the February 1, 2002 filing date.

ii) GATX.com

With regard to the www.gatx.com reference, the Applicant respectfully submits that they are not in possession of a copy of the www.gatx.com reference retrieved prior to the February 1, 2002 filing date. As such, the Applicant is only aware of what is currently disclosed on this website.

In spite of the fact that the content of the www.gatx.com reference as it currently stands is not citable against the claims of the present application, the Applicant respectfully submits that upon review of this website at the present time (i.e. June 2005), this website still does not disclose, teach or suggest the above emphasized limitations of independent claims 1, 32, 64, 67 and 70.

Instead, the www.gatx.com reference appears only to enable a user to enter information about a shipment of goods, including the selection of a type of railcar, which the user then submits to the service provider. The price for the shipment of goods is then emailed to the user at a later date. At no point does this reference appear to filter a basic set of railcars on the basis of filtering criteria, nor does this reference appear to prompt a user to select "one or more railcars among the filtered pool of railcars". Since the www.gatx.com reference does not disclose all of the limitations of the independent claims, the Applicant respectfully submits that this reference is not sufficient to establish a rejection based on anticipation.

Accordingly, independent claims 1, 32, 64, 67 and 70 are believed to be novel, non-obvious and in condition for allowance over the www.gatx.com

reference. As such, the Examiner is respectfully requested to withdraw his rejection on the basis of this reference.

If the Applicant's argument is unconvincing, and the Examiner continues to hold that the www.gatx.com website anticipates the invention described in independent claims 1, 32, 64, 67 and 70, the Examiner is respectfully invited to indicate where in the www.gatx.com document each of above limitations is taught. In addition, the Applicant requests that the Examiner provide the Applicant with a paper copy of this reference that was retrieved prior to the February 1, 2002 filing date.

iii) November 2000 Article in "Railway Age" entitled "Moving Goods, not Paperwork"

The Applicant respectfully submits that the article entitled "moving goods, not paperwork" in the November 2000 issue of "Railway Age" does not disclose, teach or suggest the above emphasized limitations of independent claims 1, 32, 64, 67 and 70 either.

Instead, this article simply describes that railroad companies are developing on-line systems for enabling their customers to access their shipping services. While this article does describes certain features that are offered by the various railroad websites, nowhere does this article describe an on-line system that filters a basic pool of railcars on the basis of filtering criteria, and then prompts a user to select "one or more railcars among the filtered pool of railcars". As such, this reference is not sufficient to establish a rejection based on anticipation.

Accordingly, independent claims 1, 32, 64, 67 and 70 are believed to be novel, non-obvious and in condition for allowance over the "moving goods, not paperwork" article. As such, the Examiner is respectfully requested to withdraw his rejection on the basis of this reference.

If the Applicant's argument is unconvincing, and the Examiner continues to hold that the "moving goods, not paperwork" article anticipates the invention described in independent claims 1, 32, 64, 67 and 70, the Examiner is respectfully invited to indicate where in the reference each of claim limitations is taught.

II. Dependent claims 6-31, 33-52, 65-66, 68-69 and 71-92

Firstly, the Applicant respectfully submits that claims 6-31, 33-52, 65-66, 68-69 and 71-92 all depend from one of independent claims 1, 32, 64, 67 and 70, and as such, incorporate by reference all the limitations contained therein. Accordingly, claims 6-31, 33-52, 65-66, 68-69 and 71-92 are believed to be novel, non-obvious and in condition for allowance as being dependent upon an allowable base claim.

Secondly, the Applicant respectfully submits that the subject matter contained in certain of these dependent claims is also not taught anywhere in the references cited by the Examiner. Specifically, the Applicant submits that the subject matter of dependent claims 12-25, 38-51 and 77-88 is not taught by any of the references cited by the Examiner.

If the Examiner disagrees, and continues to hold that these claims are anticipated by the references cited, the Examiner is respectfully invited to indicate where in the references, the subject matter of these claims is disclosed.

D Request for more Detailed Explanations

With respect, the Applicant is of the view that the Official Actions that have been received to date in connection with the present application have been

quite concise. For example, in the present Official Action, all 77 of the claims currently pending have been rejected merely with the comment "claims 1, 6-52 and 64-92 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the Websites www.gatx.com and www.csx.com as well the November 2000 article in "Railway Age" entitled "Moving Goods, not paperwork". It can be appreciated that such a rejection does not provide the Applicant with an explanation as to why the Examiner feels that these references anticipate the claims of the present application. Consequently, responding to such rejections is made difficult.

According to both the U.S. Patent rules and the MPEP, when rejecting a claim on the basis of prior art references, the pertinence of the references should be explained. More specifically, 37 CFR 1.104(c)(2) states "in rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command...The pertinence of each reference, if not apparent, must be clearly explained...". In addition, section 707.05 of the MPEP states that "During the examination of an application...the examiner should cite appropriate prior art which is nearest to the subject matter defined in the claims. When such prior art is cited, its pertinence should be explained."

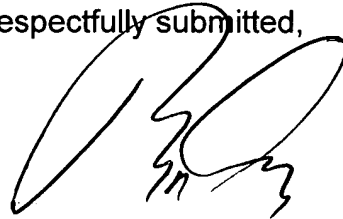
The Applicant respectfully submits that in the present case, the pertinence of each of the references cited was not apparent. In light of the above, and in order for the application to be placed in allowable condition as soon as possible, the Applicant would be grateful if the Examiner could indicate where in the documents cited in any further rejections, each limitation of the claims are taught. More specifically, if the Examiner does not find the arguments presented herein below convincing, the Applicant respectfully requests that the Examiner identify clearly the portions of the references that he believes are pertinent to the subject matter of the claims. In this manner, the Applicant will be able to more clearly address the Examiner's rejections.

II. CONCLUSION

In view of the above, it is respectfully submitted that claims 1, 6-52 and 64-92 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 1, 6-52 and 64-92 at an early date is solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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Date: June 30, 2005
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